

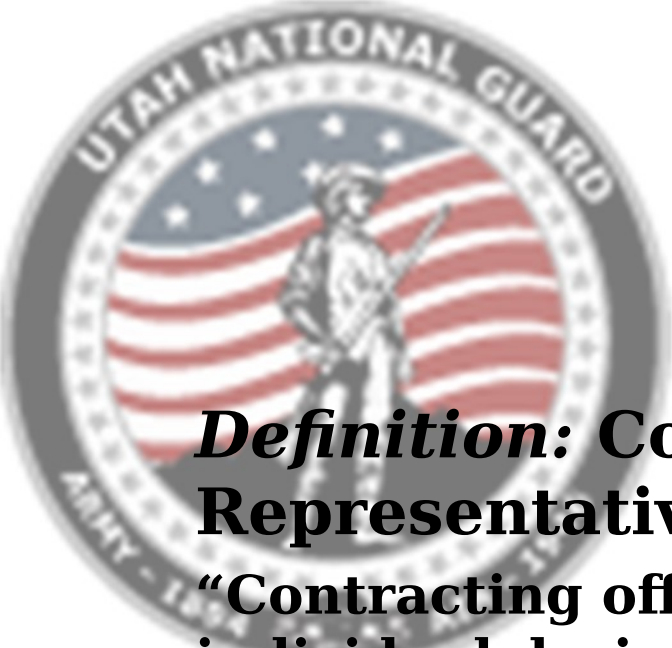


Contracting Officer Representative (COR)

Appointment and Responsibilities

Slides: Homepage - Staff Sites – G8 – P&C - COR

15 December 2015



Definition: Contracting Officer Representative

“Contracting officer’s representative” means an individual designated in accordance with subsection 201.602-2 of the Defense Federal Acquisition Regulation Supplement and authorized in writing by the contracting officer to perform specific technical and administrative functions.

(DFAR Clause 252.201-7000)

Alternate Contracting Officer Representatives (ACORs) are also appointed in writing designating specific responsibilities, authorities, and limitations.



Requirements: Contracting Officer Representative

- **Must be a Government employee, in no case will contractor personnel serve as CORs.**
- **Must be qualified by Training and Experience commensurate with responsibilities to be delegated in accordance with department or agency guidelines.**
- **Must be designated in writing.**

(DFAR Subpart 201.602-2)



Request for COR Designation

Command Nominates Candidate by Memo to the Contracting Officer

NOMINATION MEMO CONTAINS (as a minimum):

- **Service being Procured and Using Activity**
- **Individual Nominated**
- **Nominee's Contact Information**
- **Area of Responsibility**
- **Duration of requested Appointment**



Request for COR Designation

- **List of completed training (attach required certificates)**

DAU CLC 106 "COR with Mission Focus"

DAU CLM 003 "Ethics for AT&L Workforce"

WAWF training at <https://wawf.eb.mil>

- **Technical Qualifications & Experience**
- **Supervisor's certification of OGE Form 450**

Completion

- **Supervisor's certification that COR duties are reflected**

in COR's annual performance standards

- **Certification the Nominee will be afforded sufficient time**



COR Designation

Contracting Officer issues the COR Appointment/Designation

Memo which identifies:

- **Individual and Area of Responsibility**
- **Contract Number and Expiration**
- **Duration of Appointment**
- **Responsibilities, Authorities and Limitations**
- **Files Maintenance**
- **Reporting Requirements**
- **Liability in the event of Unauthorized Acts**

KO signs - COR signs - Contractor signs
Kept in contract file



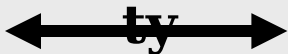
Official Appointment/Designation Letter Establishes Dual Lines Of Responsibility

Functional
Chief/Commander
(rating chain)

Contracting Officer
(appointment
letter)

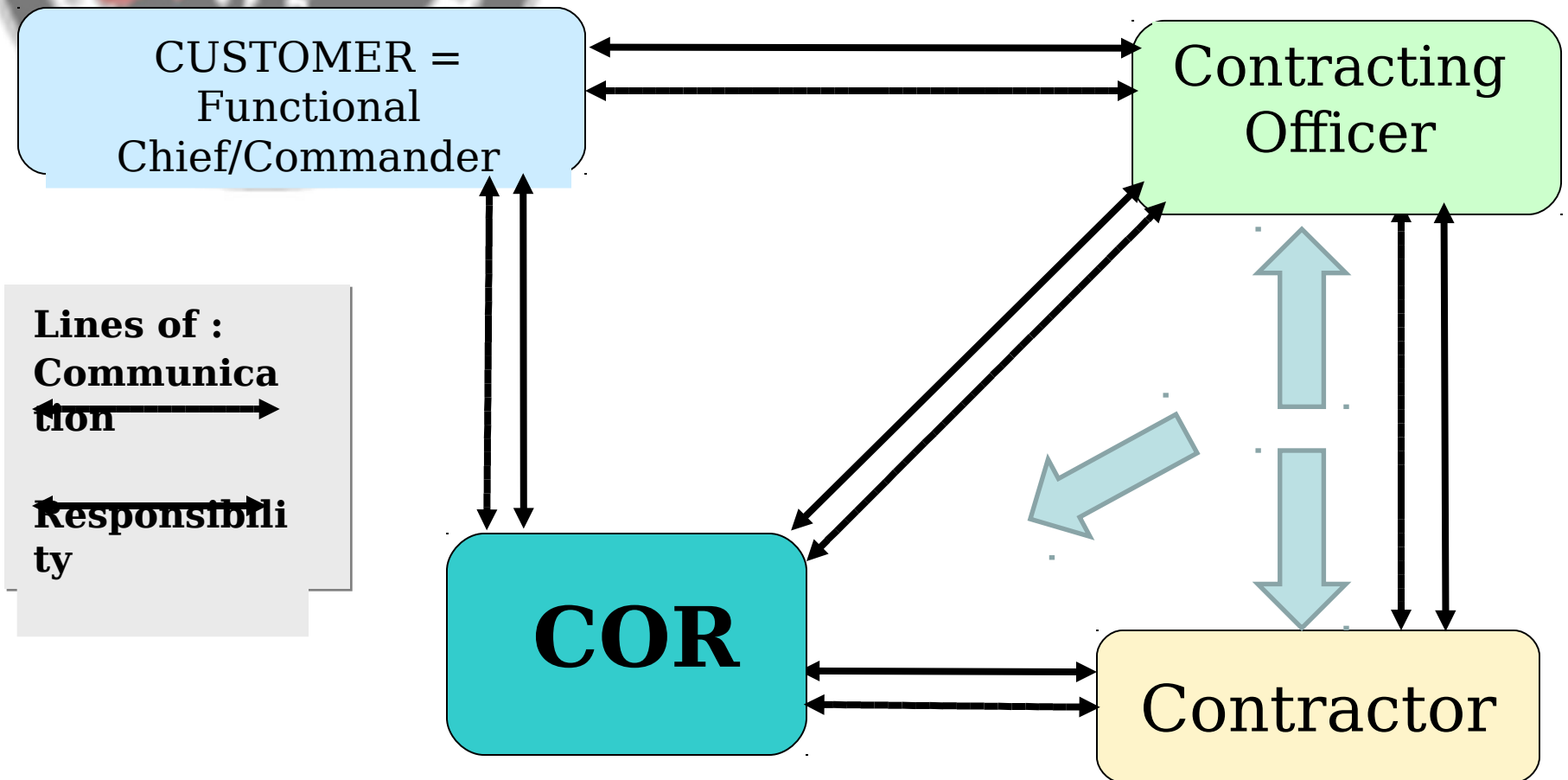
COR

**Lines of
Responsibili**





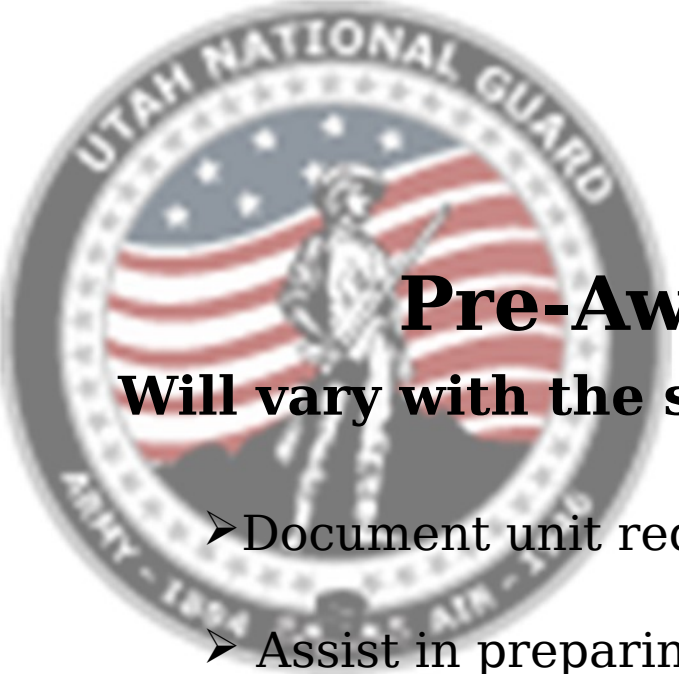
Lines Of Communication





Exercise

- A contractor has a requirement to install a door. During installation, the commander walks by and asks the contractor to modify the door and add a window.
- Is this ok?
- What should happen?
- Who could be liable if the contractor installs the window?



Pre-Award Responsibilities

Will vary with the size and type of contract - In General:

- Document unit requirements
- Assist in preparing the procurement package to include the Purchase Request, PWS/SOW and IGCE to include Market Research
- Types of Contracts
- Draft a Quality Assurance Surveillance Plan/Checklist (QASP)
- Verify availability of Funding – Submit packet to request funds
- Special requirements and Clauses



Post-Award Responsibilities

Will vary with the size and type of contract - In General:

- Know and understand the Contract
- Monitor and document contractor's performance in accordance with the requirements, terms and conditions of the contract and agreed schedule.
- Know the Government's and Contractor's responsibilities.
- Inspect supplies and services to determine acceptability.
- Report results to the Contracting Officer (Monthly Report).
- Validate contractor's reimbursable purchases are actually received before being billed to the Government.



Post-Award Responsibilities cont.

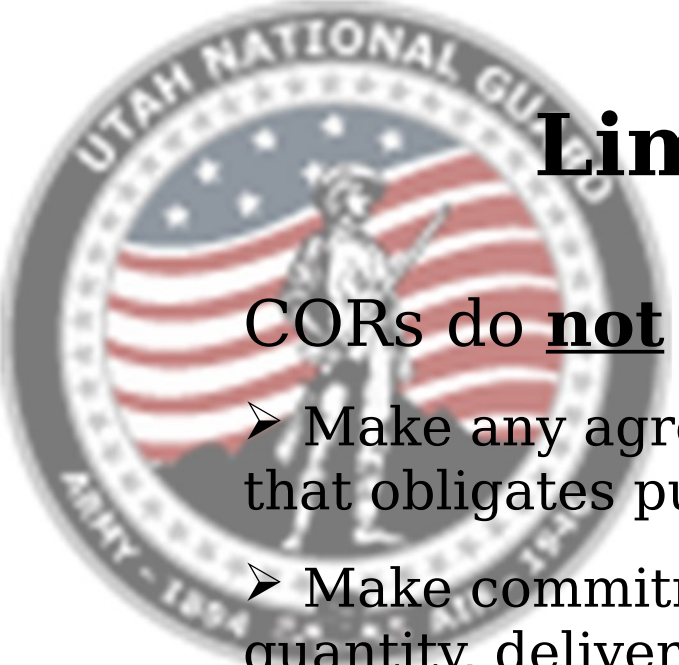
- Assure Government Furnished Property (GFP) is being properly maintained and accounted for by the contractor.
- Validate contractor personnel have required licenses, certifications, and security clearances as required by contract.
- Verify timeliness and accuracy of contractor reports and data required to be delivered to the Government .
- Ensure (Prime) contractors report required Contractor Manpower Reporting (CMR) information, as set forth in the contract.
 - Enter COR reporting data into the CMR system as specified under the COR/COTR User's Guide at the CMR website: <https://cmra.army.mil>



Post-Award Responsibilities cont.

- Assure contractor / vendor is paid for acceptable performance and not paid for unacceptable performance (supplies or services).
- Track contract costs – depending on type of contract.
- Try to resolve issues that may arise. Ensure any dispute between the COR and contractor is referred to the KO
- Be firm, but fair in all actions.
- Maintain direct communications and act as Liaison between Unit and Contractor (in concert with KO).
- Request contract changes through the Contracting Officer when needed.

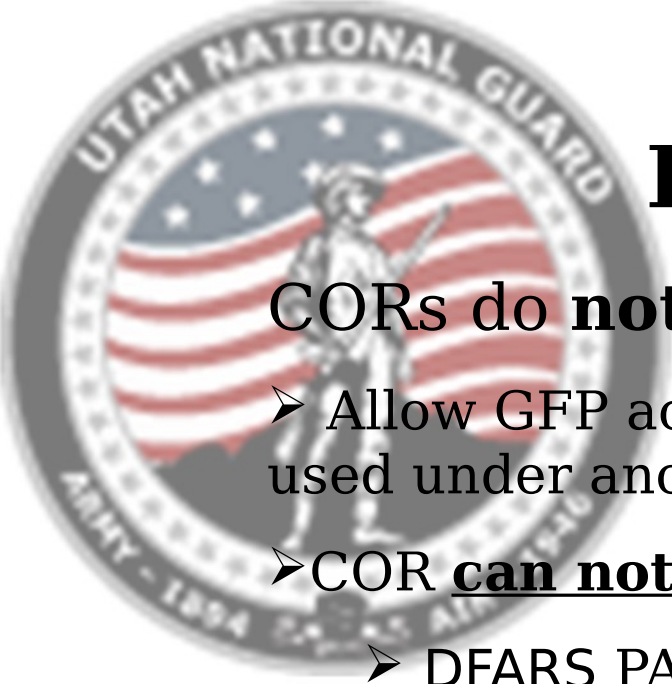
Action	COR/Functional Office	Contracting Office
Conduct market research	Responsible	Assist
Prepare SOW/PWS	Responsible	Assist
Prepare QASP	Responsible	Assist
Prepare IGCE	Responsible	Assist
Prepare GFP List	Responsible	Assist
Develop Sources	Assist	Responsible
Prepare solicitation	Assist	Responsible
Conduct pre-bid Conference	Assist	Responsible
Evaluate proposals	Assist	Responsible
Award Contract	N/A	Responsible
Conduct contract surveillance	Responsible	Assist/Responsible
Request modifications	Responsible	Assist/Responsible
Make Modifications	Assist	Responsible
Conduct progress meeting	Assist	Responsible
Conduct inspection/acceptance	Responsible	Assist
Evaluate contractor's performance	Responsible	Assist
Contractor Performance Assessment Report CPAR	Responsible/Assist	Responsible



Limitations

CORs do **not** have the authority to:

- Make any agreement with the contractor that obligates public funds.
- Make commitments that affect the price, quality, quantity, delivery, or any other term or condition of the contract.
- Encourage the contractor to perform any work beyond or outside the scope of the contract.
- Interfere with contractor's management of their employees to include "supervising" or directing the work effort of the employees.
- Order or accept goods or services not expressly required by the contract.



Limitations

CORs do **not** have the authority to:

- Allow GFP accountable under one contract to be used under another contract.

- COR **can not** delegate responsibilities.

- DFARS PART 201.602 "Contracting Authority and Responsibilities" and

- DFARS PART 201.602-2 "Responsibilities."

- Compensation after leaving Federal Employment

- 1-Year ban on accepting compensation from certain contractors after leaving federal employment

- Penalties

- Discuss information that might give one contractor an advantage in future



COR Performance

COR receives, verifies, correctness, and signs receiving report



Contracting prepares requirement for payment



Finance pays Contractor



Contracting closes the file and COR duties are terminated



Contractor delivers invoice



Alternate Contracting Officer Representative (ACOR)

Appointment Process - - same as for COR

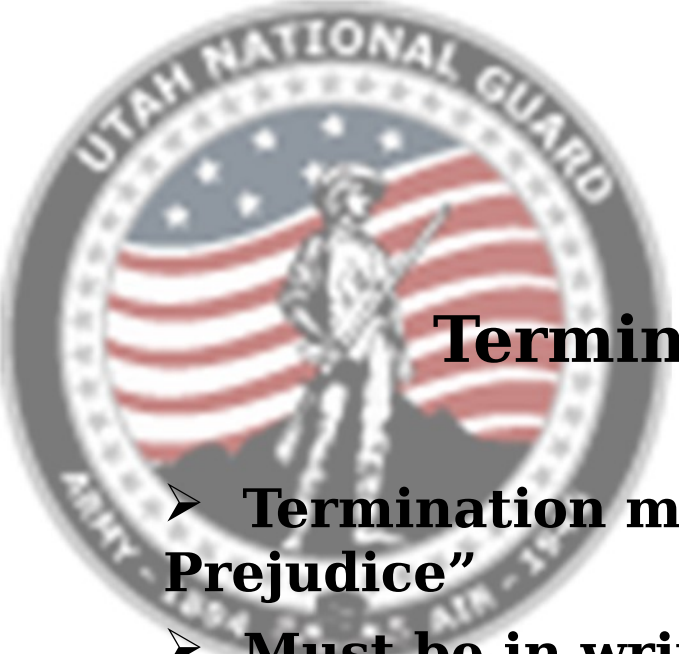
- **Nominated by Command**
- **Appointment by Contracting Officer**
- **KO signs - ACOR signs - Copy to Contractor**

Training Requirements - - same as for COR

Additional Requirements - - same as for COR

Has Authority and Responsibility to Act as COR ONLY in the Absence of the Primary COR

Assist the COR in Developing and Implementing Surveillance Program and Maintaining COR Files



Termination of Appointments COR / ACOR

- **Termination may be “For Cause” or “Without Prejudice”**
- **Must be in writing**

When:

- **Upon written request from the COR’s Command**
- **At the discretion of the Contracting Officer**

How:

- **Termination Date on Appointment letter**
- **Contracting Officer issues a termination letter**
- **Copy to the COR, Contractor, and Contract File**

DO

- Set a level of monitoring consistent with the type of contract, the complexity of the supply or service, and the importance of the contract to the overall program.
- Read progress reports and immediately act on problems they reveal.
- See that the contractor complies with every requirement of the contract.
- Immediately contact the Contracting Officer when deficiencies or delinquencies are noted.
- Use the contractor's invoices to help monitor technical progress.
- Exercise Government rights, such as warranties. Make sure to deal with any problems before the warranty period runs out.
- Work with contractor personnel to prevent problems before they arise.

DON'T

- Assume that "*no news is good news.*"
- Wait until delivery is due or overdue to check progress.
- Take action against a delinquent contractor on your own. Work through the Contracting Officer.
- Order, request, or even suggest that the contractor do work that is not called for by the contract.
- Act as if you are the contractor's personnel manager. The COR reviews and approves or disapproves; the contractor supervises contractor personnel.
- Assume the contractor billings are correct.
- Exercise Government rights, such as warranties. Make sure to deal with any problems before the warranty period runs out.

DO

- Take actions to protect Government rights before delivery is due.
- Remember that the COR is an agent of the U.S. government, with only the authority delegated by the Contracting Officer.
- Get the names of contractor personnel authorized to represent the contractor.
- Find out the specific authority of contractor personnel. Does the person you are dealing with have the authority to obligate the contractor?
- See that all Government approvals or consents are timely.

DON'T

- Accept less than what is required by the contract.
- Assume an interpretation of ambiguous contract language, which would be favorable to the Government. Remember: if the contractor's interpretation is reasonable, it will prevail.
- Hold up payment unless performance is deficient or defective.
- Accept supplies or services without complete inspection.
- Make any change, modification, deletions, or additions to the contract requirements. Work through the Contracting Officer.
- Automatically consider all contractor claims unreasonable. Be fair and impartial.

- *How True* - People who think they know everything are a great annoyance to those of us who do. Isaac Astinov
- *Always* - Get your facts first, then you can distort them as you please. Mark Twain
- *Words To Live By* - Whatever you do in life, surround yourself with smart people who'll argue with you. John Wooden

